

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

S.E.B.M., a minor, by and through her next friend,
MARIA MENDEZ FELIPE,

Plaintiff,

No. 21-cv-00095-JHR-LF

v.

THE UNITED STATES OF AMERICA,

Defendant.

**PLAINTIFF'S UNOPPOSED MOTION FOR
EXTENSION OF TIME TO FILE RESPONSE
TO GOVERNMENT'S MOTION TO DISMISS**

Plaintiff, S.E.B.M., by and through undersigned counsel respectfully moves the Court for a 21-day extension of time to file her response. In support of this motion, the Plaintiff states the following:

1. Plaintiff, S.E.B.M., a minor, brought this action pursuant to the Federal Tort Claims Act ("FTCA") against Defendant, United States of America, for damages she suffered at the hands of Customs and Border Protection officers, when she was two years old resulting from her forced separation from her father at the United States border in 2017. *See* Doc. 1
2. The United States filed a Motion to Dismiss this action, asserting a lack of subject matter jurisdiction pursuant to Federal Rule of Civil Procedure 12(b)(1). *See* Doc. 16.
3. The Plaintiff's response is currently due on February 15, 2022. *See* Doc. 34
4. As the Court is aware, the Plaintiff and the Government sought in good faith to resolve this matter in settlement discussions that began in May 2021. *See* Docs. 22, 24, 26, 30, 32, 33. These discussions were ended by the Government in December of 2021. *See* Doc. 33

5. As the Court is also aware, Plaintiff's New Mexico counsel were David Urias and Josh Ewing of Freedman, Boyd, Hollander, Goldberg, Urias and Ward, P.A. both of whom have withdrawn as counsel for different reasons. *See* Docs. 29, 36.

6. Plaintiff's Florida counsel have made serious efforts to replace Mr. Urias and Mr. Ewing and are in the process of finalizing an agreement for New Mexico representation. However, the new attorneys will need additional time to familiarize themselves with the complaint and the Government's Motion to Dismiss in order to prepare the response, which is the reason for this extension.

7. Counsel for the United States, Assistant United States Attorney Christine Lyman has stated that she does not oppose this extension.

WHEREFORE, the Plaintiff requests a 21-day extension to file her response, on or before March 8, 2022.

Respectfully submitted this 7th day of February 2022.

Attorneys for the Plaintiff

/s/ Lisa Lehner

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